IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(SUO MOTU) CONTEMPT PETITION NO. 304 OF 2000

IN

CIVIL APPLICATION NO. 5221 OF 2000

IN

WRIT PETITION NO. 6350 OF 1999

HIGH COURT ON ITS OWN MOTION

V/S

ARYA HINDI PARACHARINI SABHA,

THANE. ..RESPONDENTS

R.G. KOTKAR WITH MS. NAYANA THATTE FOR RESPONDENTS.

CORAM : S.K. SHAH, J.

DATE : 19TH APRIL,2007.

P.C.

1. This is a suo moto contempt petition as per the direction issued by the Division Bench in the Writ Petition by order dated 25-8-2000. The Division Bench by order dated 11-12-2000 had allowed the Writ Petition in terms of prayer clause (a) and (b).

2. In that the order of suspension of petitioner dated 18th August 1998 issued by the Respondent was quashed and set aside and Respondent No. 1 was directed to forthwith reinstate the petitioner as Assistant Headmaster of Rajendrapal Mangala Hindi High School, Thane (E) and to pay him the full backwages from August 1998 onwards together with all other benefits such as continuity in service etc. It appears that the said order was not complied with and therefore by order dated 25-8-2000 the contempt proceedings were directed to be initiated against the Respondent. Accordingly the present contempt petition arises.

3. During the pendency of this contempt petition it appears that the contempt petition No. 138 of 2001 was filed by the petitioner namely Ramprabhav R. Shukla. However by order dated 27th March 2002 the said contempt petition was dismissed as withdrawn. The relevant order reads as under :-

4. " Shri Rajesh Datar for the Petitioner. Shri S.M. Oak for the Respondent Nos. 1 & 2. Shri Datar has filed a letter dated nil signed by the

petitioner addressed to him and instructed him to withdraw this petition. The letter is taken on record and marked ’X’ for identification. The petition is dismissed as withdrawn."

5. It further appears that the present suo moto contempt petition continued to remain on board. In view of the fact that the petitioner who had filed the contempt petition had withdrawn it, it appears that the petitioner does not have any grievance. In the present contempt petition the Respondents have filed affidavit specifically mentioning therein that the petitioner has voluntarily renounced and relinquished entire claim of salary due and payable by the Respondents from August 1998 to July 2000, as directed by this court order dated 11th April 2000 in the writ petition. The affidavit in reply is also annexed with the copy of the affidavit of the petitioner wherein he has specifically stated that he had filed contempt petition No. 138 of 2001 in Writ Petition No. 6350 of 1999. In that affidavit he

made a declaration that he voluntarily renounced and

relinquished his entire claim regarding his salary and dues payable by the Respondents.

6. In view of this nothing survives in this suo motu contempt petition. The contempt petition stands disposed of accordingly.

7. Both the Respondents are present in the court. The bailable warrant issued earlier stands cancelled.

(S.K. SHAH, J.)